

**Introduced by Senator Morrell**

February 25, 2015

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An act to add Section 2516.5 to the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 408, as introduced, Morrell. Midwife assistants.

The Licensed Midwifery Practice Act of 1993 provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. The license to practice midwifery authorizes the holder, under the supervision of a licensed physician and surgeon, as specified, to attend cases of normal childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn. The act requires a midwife to immediately refer all complications to a physician and surgeon. A violation of the act is a crime.

This bill would authorize a midwife assistant to perform certain assistive activities under the supervision of a licensed midwife, including the administration of medicine, the withdrawing of blood, and midwife technical support services. The bill would define terms for these purposes. The bill would prohibit a midwife assistant from being employed for inpatient care in a licensed general acute care hospital. By adding new requirements and prohibitions to the act, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2516.5 is added to the Business and  
2 Professions Code, to read:

3 2516.5. (a) As used in this section, the following definition  
4 apply:

5 (1) "Midwife assistant" means a person, who may be unlicensed,  
6 who performs basic administrative, clerical, and midwife technical  
7 supportive services in accordance with this chapter for a licensed  
8 midwife, is at least 18 years of age, and has had at least the  
9 minimum amount of hours of appropriate training pursuant to  
10 standards established by the board for a medical assistant pursuant  
11 to Section 2069. The midwife assistant shall be issued a certificate  
12 by the training institution or instructor indicating satisfactory  
13 completion of the required training. Each employer of the midwife  
14 assistant or the midwife assistant shall retain a copy of the  
15 certificate as a record.

16 (2) "Midwife technical supportive services" means simple  
17 routine medical tasks and procedures that may be safely performed  
18 by a midwife assistant who has limited training and who functions  
19 under the supervision of a licensed midwife.

20 (3) "Specific authorization" means a specific written order  
21 prepared by the supervising midwife authorizing the procedures  
22 to be performed on a patient, which shall be placed in the patient's  
23 medical record, or a standing order prepared by the supervising  
24 midwife authorizing the procedures to be performed. A notation  
25 of the standing order shall be placed in the patient's medical record.

26 (4) "Supervision" means the supervision of procedures  
27 authorized by this section by a licensed midwife, within his or her  
28 scope of practice, who is physically present on the premises during  
29 the performance of those procedures.

30 (b) Notwithstanding any other provision of law, a midwife  
31 assistant may do all of the following:

32 (1) Administer medication only by intradermal, subcutaneous,  
33 or intramuscular injections and perform skin tests and additional

1 technical support services upon the specific authorization and  
2 supervision of a licensed midwife. A midwife assistant may also  
3 perform all these tasks and services in a clinic licensed in  
4 accordance with subdivision (a) of Section 1204 of the Health and  
5 Safety Code upon the specific authorization of a licensed midwife.

6 (2) Perform venipuncture or skin puncture for the purposes of  
7 withdrawing blood upon specific authorization and under the  
8 supervision of a licensed midwife if the midwife assistant has met  
9 the educational and training requirements for medical assistants  
10 as established in Section 2070. Each employer of the assistant shall  
11 retain a copy of any related certificates as a record.

12 (3) Perform the following midwife technical support services:

13 (A) Administer medications orally, sublingually, topically,  
14 vaginally, or rectally, or by providing a single dose to a patient for  
15 immediate self-administration, and administer oxygen at the  
16 direction of the supervising licensed midwife. The licensed midwife  
17 shall verify the correct medication and dosage before the midwife  
18 assistant administers medication.

19 (B) Assist in performing neonatal resuscitation.

20 (C) Assist in auscultation of fetal heart tones when a licensed  
21 midwife is engaged in a concurrent activity that precludes the  
22 licensed midwife from doing so.

23 (D) Collect by noninvasive techniques and preserve specimens  
24 for testing, including, but not limited to, urine.

25 (E) Assist patients to and from a patient examination room, bed,  
26 or bathroom.

27 (F) Assist patient in activities of daily living, such as assisting  
28 with bathing or clothing.

29 (G) As authorized by the licensed midwife, provide patient  
30 information and instructions.

31 (H) Collect and record patient data, including height, weight,  
32 temperature, pulse, respiration rate, blood pressure, and basic  
33 information about the presenting and previous conditions.

34 (I) Perform simple laboratory and screening tests customarily  
35 performed in a medical or midwife office.

36 (4) Perform additional midwife technical support services under  
37 regulations and standards established by the board.

38 (c) (1) Nothing in this section shall be construed as authorizing  
39 the licensure of midwife assistants. Nothing in this section shall  
40 be construed as authorizing the administration of local anesthetic

1 agents by a midwife assistant. Nothing in this section shall be  
2 construed as authorizing the board to adopt any regulations that  
3 violate the prohibitions on diagnosis or treatment in Section 2052.

4 (2) Nothing in this section shall be construed as authorizing a  
5 midwife assistant to perform any clinical laboratory test or  
6 examination for which he or she is not authorized under Chapter  
7 3 (commencing with Section 1200).

8 (d) Notwithstanding any other law, a midwife assistant shall  
9 not be employed for inpatient care in a licensed general acute care  
10 hospital as defined in subdivision (a) of Section 1250 of the Health  
11 and Safety Code.

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.